some instances from the viewpoint of economy, but from a legal viewpoint the board might as well attempt to direct the wearing of overalls by the boys and calico dresses by the girls. The enforcement of such a rule is purely arbitrary and especially so when the offending pupil has been passed for graduation after the performance on her part of all prescribed educational requirements. We are not questioning the propriety of wearing caps and gowns. It is a custom we approve. The board may deny the right of a graduate to participate in the public ceremony of graduation unless a cap and gown is worn. Finally, is the defendant school board under a legal duty to grant to plaintiff her diploma? A diploma is the written or printed evidence indorsed by the proper authorities that the person named thereon has completed a prescribed course of study in the school or institution named therein. A graduate is one who has honorably passed through a prescribed course of study and received a diploma certifying to that effect. A diploma, therefore, is prima facie evidence of educational worth, and is the goal of the matriculate.

"The board having prescribed a curriculum of high school study, which being approved by the department of public instruction, the school became under the law an approved or accredited high school giving to its graduates certain privileges in our higher state educational institutions. The issuance of a diploma by the school board to a pupil who satisfactorily completes the prescribed course of study and who is otherwise qualified is mandatory, and, although such duty is not expressly enjoined upon the board by statute, it does arise by necessary and reasonable implication. Furthermore, the rules established by the board became the law for the government of the school, and, having in the instant case prescribed an approved course of study, and having provided that the honors of graduation and a diploma should be conferred upon those who satisfactorily complete said course, a legal duty is enjoined upon the board under its own rule to issue a diploma to any pupil who has met the requirements and who has been passed by said board for the honors of graduation. The manual delivery of a diploma to a pupil is a purely ministerial act. This plaintiff, having accepted the benefits of education tendered by the public school system established in the independent school district of Casey, and having complied with all the rules and regulations precedent to graduation, may not be denied her diploma by the arbitrary action of the school board subsequent to her being made the recipient of the honors of graduation. It is also clear that plaintiff is entitled to a certificate of her grades."

---

**Street Railroads—Liability for Injury to Passenger after Leaving Car.**—In Chesley *v.* Waterloo, C. F. & N. R. Co., 176 N. W. 961, the Supreme Court of Iowa held that where an adult passenger on a street car which had stopped signified a desire to leave the car by arising and moving to the door, which was opened, and left the car

in safety, but was struck on the street by an automobile and fatally injured, the street railway was not liable on the theory of negligence in permitting him to alight at a point congested and much used by automobiles.

The court said in part:

"Courts have differentiated between the duties of a street car company to its passengers and a commercial railway in so far as a duty rests upon either to furnish safe passage to and from a car. From the very nature of things a street car company cannot discharge those duties with respect to passengers. It has no control over the streets or traffic upon the streets. It has no stations or platforms, and can erect none upon the street. From the curbing to the car is a public place, open to travel by all, and over it the company has no jurisdiction or control. It owes, therefore, no duty to protect the passenger after he has passed from the car onto the street. If it owes no affirmative duty, no liability can be predicated upon its failure to act affirmatively. If it owes neither contractual nor legal duty to the passenger, after he leaves the car, to protect him against injury, then a failure to afford him protection does not involve the company in negligence, or lay the basis for liability. This question has been before the courts many times, though never in this form before our own court.

"In Scanlon *v.* Philadelphia Rapid Transit Co., 208 Pa. 195, 57 Atl. 521, a case in which plaintiff was riding upon a street railway and suffered injury by reason of defects in the street, the Supreme Court of Pennsylvania said:

" 'The car was running upon the public highway, over which it must be remembered the defendant company has no control. In laying its tracks it must conform to the established grade. It can neither construct nor alter any of the places at which passengers are to step on or off its cars. It is obliged to place its tracks and run its car where the public authorities direct. The contour of the surface of the street and the sides and gutters are all fixed by the municipal authorities. Passengers leaving the cars must step upon the surface of the street in the condition in which it is placed by the city, which fixes and maintains the grades. Obviously, the rules which might well and reasonably apply to steam railroads owning their own right of way, and having complete control of the approaches thereto, cannot reasonably be applied to street railways, which have not the right of eminent domain, and are only allowed the use of the public highways in common with other vehicles. It may be that in this case the conductor misunderstood the signal of the plaintiff, and stopped the car sooner than she wished; but, if so, she had only to signify that fact, and retain her seat, and be carried to the desired spot. She was under no compulsion, nor did she receive even a suggestion from the conductor, as to where she should get off. That was a matter solely for herself. But the stopping of the car had nothing whatever to do

with the cause of the accident. That resulted entirely from the manner in which she left the car. The fact that the street sloped off at the side upon a descending grade to the gutter necessitated a very long step for any passenger attempting to get off in that vicinity. But this fact was perfectly obvious to the plaintiff, if she used her eyes, which she was certainly bound to do. She was leaving the car in broad daylight, and she was apparently able bodied and in the full possession of her faculties, and there was no reason for the conductor to interfere with her desire to leave the car at that particular time and place. * * * The car was standing perfectly still, and so remained until after she left it. It is true that the highest courtesy upon the part of the conductor would have impelled him to step off the car and assist a lady to alight who desired to leave the car at a point which involved the taking of an unusually long step, but we cannot say that he was under any legal obligation to do so. We know of no rule which requires the conductor of a street car to supervise every motion of a passenger stepping from a stationary car to the ground. We think he may assume that under such circumstances, in broad daylight, with everything open to view, the passenger, even though a woman, may be allowed to judge for herself the distance she can safely step.

"Oddy *v.* West End Street Ry. Co., reported in 178 Mass. 341, 59 N. E. 1026, 86 Am. St. Rep. 482, was an action to recover damages for injuries received by a passenger in the act of leaving a car of a street railway company and coming in contact with a hose cart rapidly moving on the street. The court said:

"'Street car companies, carrying passengers in ordinary public streets or highways, are not negligent in nor providing means for warning passengers about to leave a car of the danger of colliding with, or of being run over by, other vehicles in the street. The risk of being hurt by such vehicles is the risk of the passenger, and not that of the carrier. It is not a danger against which the carrier is bound to protect the passenger or to give him warning.'

"In Powers *v.* Connecticut Co., reported in 82 Conn. 665, 74 Atl. 931, 26 L. R. A. (N. S.) 405, the Supreme Court of Connecticut said, after stating the fact that she was injured after she alighted from the car:

"'A passenger on a street car ceases to be such when, at the end of his trip, he steps from the car upon the street. He then becomes a traveler on the highway, and those responsible as common carriers for the due operation of the railway are not responsible as such for his safe passage across the road.'

"As bearing upon the same question see Creamer *v.* West End Street Ry. Co., 156 Mass. 320, 31 N. E. 391, 16 L. R. A. 490, 32 Am. St. Rep. 456; Farrington *v.* Boston Elevated Ry. Co., reported in 202 Mass. 315, 88 N. E. 578; Conway *v.* L. & A. Horse Ry. Co., 87 Mr. 283, 32 Atl. 901; Smith *v.* City & Suburban Ry. Co., 29 Or. 539, 46

Pac. 136, 780; Indianapolis St. Ry. Co. *v.* Tenner, 32 Ind. App. 311, 67 N. E. 1044; Chattanooga Electric Co. *v.* Boddy, 105 Tenn. 666, 58 S. W. 646, 51 L. R. A. 885. In Ruling Case Law, vol. 4, p. 1047, we find the following:

" 'It is the generally accepted view that one who has alighted from a street car and is in safety upon the highway is no longer a passenger, but is thenceforth a traveler upon the highway, and subject to all the duties and obligations imposed upon such travelers, and the railway company is not responsible to him as a carrier for the condition of the street, or for his safe passage from the car to the sidewalk.'

"On page 1254 of the same volume we read:

" 'Where street car companies receive or discharge passengers not at a regular station but on a public street or highway, as has been seen, it is the general rule that, after a passenger on a street car has safely alighted on the street, the relation of passenger and carrier terminates.' "